

UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,720	03/29/2001		Henry Tien Lo	L37-053	5984
7	590	01/07/2005		EXAMINER	
HENRY TIE		DR	LAYNO, BENJAMIN		
5010 INDIAM APARTMENT		. DR.	ART UNIT	PAPER NUMBER	
LAS VEGAS, NV 89103				3711	
			DATE MAIL ED: 01/07/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.



	Application No.	Applicant(s)	
Office Action Commence	09/823,720	LO, HENRY TIEN	
Office Action Summary	Examiner	Art Unit	
	Benjamin H. Layno	3711	
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address	
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	nely filed s will be considered timely. the mailing date of this communication. O (35 U.S.C. § 133).	
Status			
 Responsive to communication(s) filed on <u>28 Octors</u> This action is FINAL. 2b) This Since this application is in condition for allowant closed in accordance with the practice under Exercise. 	action is non-final. ice except for formal matters, pro		
Disposition of Claims			
4) ☐ Claim(s) 1-17 is/are pending in the application. 4a) Of the above claim(s) is/are withdraw 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-17 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or			
Application Papers			
9) The specification is objected to by the Examiner 10) The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the of Replacement drawing sheet(s) including the correction 11) The oath or declaration is objected to by the Examiner	epted or b) objected to by the Edrawing(s) be held in abeyance. See on is required if the drawing(s) is obj	e 37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priori	s have been received. s have been received in Application ity documents have been received (PCT Rule 17.2(a)).	on No ed in this National Stage	
•			
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da		
2) Notice of Dialisperson's Patent Diawing Review (P10-946) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date		atent Application (PTO-152)	

Application/Control Number: 09/823,720 Page 2

Art Unit: 3711

DETAILED ACTION

Terminal Disclaimer

- 1. The Terminal Disclaimer filed 10/28/04 cannot overcome the Lo 042' reference because the Lo 042' reference was issued as a patent on 01/26/99 which is more than one year prior to the effective filing date of 03/30/00 of this Application, and thus the Lo 042' reference is a statutory bar under 35 USC 102(b). Furthermore, the continuing data in this Application does not show co-pendancy to the Lo 042' reference. See MPEP 706.02.
- 2. Applicant's arguments filed 10/28/04 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

- 3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 4. Claims 1-4 and 6-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wirth in view of Lo 042'.

The Applicant is referred to the teachings of Wirth and Lo 042' in the first Office action.

The Applicant has argued that Wirth discloses a draw poker game, while the present invention is a stud poker game. The Examiner takes the position that there are no steps recited in the claims distinguishing the claimed invention as a stud poker game.

Application/Control Number: 09/823,720 Page 3

Art Unit: 3711

The Applicant has also argued that the settling of wagers in Wirth's game is different than the settling of wager in the present invention. The Examiner takes the position that how the wagers are settled, is simply a casino house decision that is always obvious in the art.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wirth in view of Lo 042' as applied to claim 1 above, and further in view of Perkins.

The Applicant is referred to the teaching of Perkins in the first Office action.

The Applicant has argued that including one or more community cards in a card game would make Wirth's game less exciting to play, the more community cards use the fewer cards available for players to read. The Examiner takes the position that by providing community cards to Wirth's game, less cards would have been dealt, shortening game playing time, and increasing the number of games played over a specific time period. Thus, community cards in Wirth's game would increase casino revenue.

Claim Rejections - 35 USC § 112

- 6. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 7. Claims 5 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Application/Control Number: 09/823,720

Art Unit: 3711

- 8. Claim 5 recites the limitation "the community card or cards" in line 3. There is insufficient antecedent basis for this limitation in the claim. There is no step in claim 1 or in claim 5 introducing a step of dealing community card or cards.
- 9. Claim 17 recites the limitation "the predetermined Player losing copy hands" in line 2. There is insufficient antecedent basis for this limitation in the claim. There is no step in claim 1 or in claim 17 introducing a step defining a losing copy hand.
- 10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (571) 272-4424. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

Art Unit: 3711

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571)272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Benjamin H. Layno Primary Examiner

Art Unit 3711

bhl